

Remarks

Claims 12-40 are currently pending in the Application.

Allowable Claims

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claims 30-40.

Non-Statutory Obviousness-Type Double Patenting Rejection

Claims 12-24 stand rejected in view of a non-statutory obviousness-type double patenting rejection as being unpatentable over Claims 1-11 of U.S. Patent No. 6,867,741.

Applicants traverse this rejection but, in the interest of moving this application to issue, enclose a Terminal Disclaimer (signed by assignee) in compliance with 37 C.F.R. 1.321(c).

35 U.S.C. §102(e) Rejection

Claims 25-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Arnold (U.S. Patent No. 5,884,181). Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that the Examiner has not shown that Arnold teaches each and every element as set forth in the rejected claims. In particular:

Claim 25

A. Applicants submit that the Examiner has not shown that Arnold discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 25 of the present application:

“deploying air vehicles each serving as a platform for a secondary GPS position and timing reference transmitter, each platform including a **receiver for receiving GPS signals from the GPS satellite constellation**” (emphasis added)

The Examiner asserts that “air vehicles” as recited in Claim 25 are disclosed by Arnold’s Fixed Satellite Service receiver “150.” See page 3, section 3 of the Official Action. Applicants respectfully traverse the Examiner’s assertion.

According to Arnold, the Fixed Satellite Service receiver “150” receives signals transmitted by the FSS transmitter “140” located on Earth’s surface. See Figure 2 and column 3, lines 49-51 of Arnold. Obviously, Arnold’s Fixed Satellite Service receiver “150” includes a receiver for receiving signals from the transmitter located on the ground, however, where does Arnold disclose that the Fixed Satellite Service receiver “150” includes a “receiver for receiving GPS signals from the GPS satellite constellation” as recited in Claim 25?

Applicants submits that Arnold does not teach, disclose or suggest “deploying air vehicles each serving as a platform for a secondary GPS position and timing reference transmitter, each platform including a receiver for receiving GPS signals from the GPS satellite constellation” as recited in Claim 25. Hence, Claim 25 is patentable over Arnold and should be allowed by the Examiner. Claims 26-29, at least based on their dependency on Claim 25, are also believed to be patentable over Arnold.

If the Examiner disagrees with Applicants assertion, the Examiner is asked to comply with 37 C.F.R. §1.104(c)(2) which states:

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes invention other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable**. The pertinence, if not apparent, must be clearly explained and each rejected claim specified” (emphases added).

Specifically, Applicants request that the Examiner “designate as nearly as practicable” where Arnold’s Fixed Satellite Service receiver “150” includes a “receiver for receiving GPS signals from the GPS satellite constellation” as recited in Claim 25.

B. Applicants submit that the Examiner has not shown that Arnold discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 25 of the present application:

“**transmitting** ... from the **transmitters** on the air vehicles” (emphasis added)

As stated above, the Examiner asserts that “air vehicles” as recited in Claim 25 are disclosed by Arnold’s Fixed Satellite Service receiver “150.” See page 3, section 3 of the Official Action. Applicants respectfully traverse the Examiner’s assertion.

According to Arnold, the Fixed Satellite Service receiver “150” only receives signals transmitted by the FSS transmitter “140” located on Earth’s surface. See Figure 2 and column 3, lines 49-51 of Arnold.

Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) by not designating “as nearly as practicable” where Arnold teaches that the Fixed Satellite Service receiver “150” includes transmitters and is capable of transmitting signals.

Applicants submits that Arnold does not teach, disclose or suggest “transmitting ... from the transmitters on the air vehicles” as recited in Claim 25. Hence, Claim 25 is patentable over Arnold and should be allowed by the Examiner. Claims 26-

29, at least based on their dependency on Claim 25, are also believed to be patentable over Arnold.

C. Applicants submit that the Examiner has not shown that Arnold discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 25 of the present application:

“transmitting the secondary GPS position and timing reference information from the transmitters on the air vehicles, **the secondary GPS position and timing reference information being based upon the GPS signals received from the GPS satellite constellation** at each platform” (emphasis added)

As stated above, the Examiner asserts that “air vehicles” as recited in Claim 25 are disclosed by Arnold’s Fixed Satellite Service receiver “150.” See page 3, section 3 of the Official Action. Applicants respectfully traverse the Examiner’s assertion.

Not only does Arnold not disclose that the Fixed Satellite Service receiver “150” includes transmitters and is capable of transmitting signals, but Arnold further does not disclose “the secondary GPS position and timing reference information being based upon the GPS signals received from the GPS satellite constellation” as recited in Claim 25.

Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) by not designating “as nearly as practicable” where Arnold teaches “the secondary GPS position and timing reference information being based upon the GPS signals received from the GPS satellite constellation” as recited in Claim 25.

Applicants submits that Arnold does not teach, disclose or suggest “transmitting the secondary GPS position and timing reference information from the transmitters on the air vehicles, the secondary GPS position and timing reference information being based upon the GPS signals received from the GPS satellite

constellation at each platform” as recited in Claim 25. Hence, Claim 25 is patentable over Arnold and should be allowed by the Examiner. Claims 26-29, at least based on their dependency on Claim 25, are also believed to be patentable over Arnold.

Conclusion

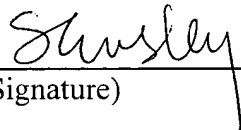
In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

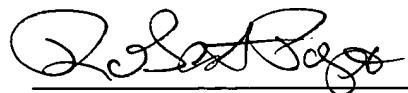
December 20, 2005
(Date of Deposit)

Shannon Tinsley
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(Signature)

December 20, 2005
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